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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,642	04/02/2004	Herbert Huttlin	03928-P0006A	1065
24126 7590 06/26/2008 ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619				
EXAMINER				
LAMB, BRENDA A				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
06/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,642

**Applicant(s)**

HUTTLIN, HERBERT

**Examiner**

Brenda A. Lamb

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 16-26, 29-34, 36-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26, 29-34 and 40 is/are allowed.
- 6) ☒ Claim(s) 11, 16-19 and 36-38 is/are rejected.
- 7) ☒ Claim(s) 20-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 1792

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-19 and 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "bulkhead" as defined by The American Heritage Dictionary, Second College Edition, refers "one of the upright partitions dividing a ship into compartments and serving to prevent the spread of leakage or fire" and therefore it is unclear how the recitation that "a bulkhead" is provided in order to connect to the feed air duct to the container central duct further limits the claim since the invention is not directed to one of a ship.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/10699 (Huttlin).

Huttlin teaches an apparatus for treating particulate material as shown in Figure 4 which is comprised of the following elements: a container 90 having a process chamber 14 for containing the particulate material and a container central duct 24 separated or spaced from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around the longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is openable via covers 16,18 which are pivotable on process chamber 14; the container central duct forming a flow duct for process air flowing from an upper end of the container central duct to a lower end of the container central duct as shown by the arrows, the container central duct widening circumferentially and opening towards the upper region of the process chamber communicating with the upper region of said process chamber such that it is capable of conducting the process air in at least one first operating state; wherein, in a lower region of the container central duct, a fan is arranged immediately adjacent to and defines the openings in the container central duct such that it defines the area of the container central duct which is in open fluid communication with the lower region of the process chamber, and wherein the rotating circular blades or rings 98 act as fan blades since they create a flow current in container 90 and these blades extend to different radial extents. Huttlin teaches every element of the claimed apparatus as set forth in claim 11. With respect to claim 16, Huttlin shows elements of his treatment apparatus are interconnected to form an assembly and includes the feed air duct 66 which is in

fluid connection or connected or interlinked to the container central duct. Huttlin feed air duct is capable of being connected to an external air feed system if desired.

Claims 17,19,36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/10699 (Huttlin) in view of Kono 4,168,913.

Huttlin is applied for the reasons noted above but fails to teach a valve to seal off the container central duct with respect to the feed duct. However, Kono teaches the air is controlled and used to stir up or mix the particulate in the process chamber. Therefore, it would have been prima facie obvious in the Huttlin apparatus to provide a valve such as shown by Kono in association with the feed air duct assembly which includes a feed air duct and arrange the valve in the feed air duct such that it seals off the container central duct with respect to the feed air duct for the advantages taught by Kono of controlling the mixing or stirring in the particulate chamber. Thus claims 17 and 36 are obvious over the above cited references. With respect to claims 19 and 38, it would have been obvious given the modifications of the Huttlin as discussed above that when the valve is open that feed air from the feed air duct is conducted to the container central duct and to the upper region of the process chamber such that both the container central duct and upper region of the process chamber conduct process air.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 18 and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 20-25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26, 29-34 and 40 allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Friday. The examiner can also be reached on alternate Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1231. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb  
Primary Examiner  
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792